

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

WILLIAM DOYLE,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 05-251-MJR
)	
C/O PASQUINO, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

Plaintiff has appealed the dismissal of this action, and now asks this Court to issue a “certificate of appealability” (Doc. 14).

Unless a circuit justice of judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from —

- (A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court;
- or
- (B) the final order in a proceeding under section 2255.

28 U.S.C. § 2253(c)(1).

Plaintiff’s civil rights action is neither a proceeding under section § 2255, nor is it a habeas corpus proceeding in which the detention complained of arises out of process issued by a state court. Consequently, no certificate of appealability is necessary for Plaintiff to perfect his appeal. FED.R.APP.P. 22(b); 28 U.S.C. § 2253(c). Accordingly, the motion is **DENIED** as **MOOT**.

IT IS SO ORDERED.

DATED this 20th day of March, 2006.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge